

AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office July 8, 2004

Returned to applicant for correction July 27, 2004

Corrected application filed AUG 13 2004

Map filed AUG 13 2004

The applicant **Elko Land and Livestock Company** hereby makes application for permission to change the **Point of Diversion and Manner of Use and Place of Use of a portion** of water heretofore appropriated under **Permit 34769**

1. The source of water is **Underground**
2. The amount of water to be changed **3.79 cfs**
3. The water to be used for **Industrial (Power Generation) Purposes**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **Barrick Mine – BVI 1 within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, T35 N, R49 E, M.D.M., at a point from which the SE corner of Section 31, T36N, R49E, M.D.M. bears N 31°44'28" E a distance of 2133 feet.**
6. The existing permitted point of diversion is located within **T.S. Ranch – Mack Creek Well 10 within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T33 N, R49 E, M.D.M., at a point from which the S $\frac{1}{4}$ corner of said Section 03 bears S 88°41'53" W a distance of 880.23 feet.**
7. Proposed place of use **Sections 11, 12, 13, 14, 15, 22, 23, and that portion of N $\frac{1}{2}$, Section 27 within Boulder Flat (061), T33N, R48E, M.D.M.; Eureka County**
8. Existing place of use **S $\frac{1}{2}$ NW $\frac{1}{4}$, lot 3, lot 4, SW $\frac{1}{4}$, Section 01; Section 02; S $\frac{1}{2}$, Section 03; E $\frac{1}{2}$ Section 09; Sections 10 and 11; W $\frac{1}{2}$ Section 12; NW $\frac{1}{4}$ Section 13; Sections 14 and 15; E $\frac{1}{2}$ Section 16; NE $\frac{1}{2}$ Section 22; W $\frac{1}{2}$, NE $\frac{1}{4}$, Section 23, T33N, R49E, M.D.M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled, cased well with motor and pump, totalizing flow meter, and pipeline to the place of use.**
12. Estimated cost of works **\$1,000,000 (one million dollars)**
13. Estimated time required to construct works **four years**
14. Estimated time required to complete the application of water to beneficial use **ten years**
15. Remarks:

REFER TO TS POWER PLANT MAP 1

By Paul M. Pettit, Manager of Environmental Compliance and Hydrology
s/ Paul M. Pettit
Environmental Department, PO Box 669
Carlin, Nevada 89822

Compared sc/ sam lb/ gkl

Protested 11/24/04 by: The Association for Clean Energy

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 34769 is issued subject to the terms and conditions imposed in said Permit 34769 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 71424, 71428 through 71432 and 71434 shall not exceed 8975.72 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The issuance of Permits 71424, 71428, 71429, 71430, 71431, 71432 and 71434 completely abrogates Permits 30241, Certificate 10047; 30849, Certificate 10057; 34766 through 34769 inclusive and 34772 and reduces the total combined duty of Permits 29952, Certificate 10043; 29953, Certificate 10044; 30240, Certificate 10046; 30242, Certificate 10048; 34770, 34771 and 34773 to 4234.20 acre-feet annually.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.79 cubic feet per second, but not to exceed 2743.85 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

June 10, 2007

Proof of completion of work shall be filed on or before:

July 10, 2007

Water must be placed to beneficial use on or before:

June 10, 2011

Proof of the application of water to beneficial use shall be filed on or before:

July 10, 2011

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 10th day of June, A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____